HONOURABLE SRI JUSTICE G.CHANDRAIAH

Writ Petition No.3377 of 1993

Dated: 04-08-2005

-

Between:

M/s. Pankaj Chemicals and Pharmaceutical Works, a Partnership Firm rep. by its Managing Partner SriDilip P.Doshi,

S/o.late Pranlal S.Doshi, R/o.126, Jeera, Near Jeera Club,

2nd floor, Secunderabad.

…Petitioner

and

1. The Government of India, Ministry of Home Affairs,

Department of Internal Security, Rehabilitation Division

(Settlement) through the Chief Custodian General, (Evacuee

Property) of India, Jaisalmer House, New Delhi & Anr.

…Respondents

HONOURABLE SRI JUSTICE G.CHANDRAIAH

Writ Petition No.3377 of 1993

ORDER:

This writ petition is filed questioning the order dated 05.02.1993 issued by the second respondent rejecting the application being filed by the petitioner-firm seeking to implead in the subject matter pending before him.

2. The case of the petitioner- firm is that in respect of an extent of Ac.4.07 cents of land in Survey Nos.644 and 645 popularly known as Anwar Bagh/Punja Bowli situated at Uppal Village, it has substantial right as a tenant and it is in possession of the said property. While so, in the year 1984, one Arjun Reddy filed a petition before the second respondent claiming the right over the land in question. Having come to know about that, the petitioner filed an impleadment petition, so as to come on record in the said case, contending that it has got the substantial right over the land in question. The second respondent has issued the impugned proceedings informing the petitioner-firm that the issue being decided is not that of the tenancy over the property in Survey Nos.644 and 645 of Uppal village and as such it is not necessary party and accordingly dismissed the impleadment petition. The second respondent also observed in his order that the petitioner-firm is requested to produce all the papers, which were in its possession to disprove the claim of Sri G.Arjun Reddy that his father was the auction purchaser of the property.

3. The contention of the learned counsel for the petitioner-firm is that as admittedly the firm has got substantial right over the land in question and also having allowed it to produce all the necessary papers, which were in its possession, the second respondent was not justified in ordering that petitioner – firm need not be made as necessary party. Therefore, the learned Counsel for the petitioner contended that the action of the second respondent in not allowing the petition filed by the petitioner-firm is arbitrary, illegal and violative of the principles of natural justice.

4. While admitting the writ petition, this Court granted interim stay of all the further proceedings by order dated 22.03.1993.

5. Having regard to the facts and circumstances of the case, I am of the view that when the second respondent has given the opportunity to the petitioner-firm to produce all the necessary documents, there was no justification on his part to dismiss the application whereunder the petitioner-firm wanted to be impleaded as one of the party in the proceedings pending before him. Therefore, the impugned order passed by the second respondent is arbitrary and illegal and as such, the same is set aside and the second respondent is directed to allow the petitioner-firm

to come on record legally in the proceedings before him for the purpose of proper adjudication of the matter and the second respondent is directed to pass appropriate orders in accordance with Law.

6. Accordingly, the writ petition is allowed. No costs.

_____

G.CHANDRAIAH, J.

Dated: 4th August, 2005.

Cs